



US Army Corps  
of Engineers  
Portland District

# PUBLIC NOTICE

## for Permit Application

Issue Date: August 7, 2003

Expiration Date: August 26, 2003

Corps of Engineers Action ID: 200300398

Oregon Division of State Lands Number: RF-30700

### 20-Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

**Comments:** Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and reach this office no later than the above expiration date of this Public Notice to become part of the record and considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers, Portland District  
Eugene Field Office  
CENWP-OP-GE (Ms. Merina Christoffersen)  
1600 Executive Parkway Suite 210  
Eugene, Oregon 97401-2156

**Applicant:** Cow Creek Band of Umpqua Tribe of Indians  
2371 NE Stephens, Suite 100  
Roseburg, Oregon 97470

**Location:** The project site encompasses an unnamed tributary to Jordan Creek and adjacent wetlands. The property is bounded on the east by Interstate 5 off of Creekside Drive. The site is near Canyonville, in Douglas County, Oregon. The project site covers Sections 21, 28, and 29 in Township 30 South, Range 5 West.

**Project Description:** The applicant proposes to develop a commercial facility to provide a full range of services to travelers. The South Umpqua River, which provides domestic and irrigation water to the majority of Canyonville, frequently has extremely low flows during summer months. The low flows in the South Umpqua River limit the water available for domestic use and for irrigation. Low flows also can prevent the discharge of water from the local wastewater treatment facility. The Tribes are proposing to construct two reservoirs. One reservoir (Reservoir #3) would be used to store treated effluent to be used for irrigation. The source of the water used to fill this reservoir would be the Tribes sanitary treatment facility. The other reservoir (Reservoir #1) would be used to store water for domestic purposes. The reservoir would be filled in the winter using water from the South Umpqua River. Plans for a third reservoir (Reservoir #2) were dropped. Construction of the reservoirs would impact 2.39 acres of stream channel and adjacent wetlands.

The Tribes are proposing to fill 0.39 acre of wetland to construct a Recreational Vehicle (RV) Park. The proposed facility would have space for 200 RVs. The proposed visitor and interpretive centers would not impact jurisdictional waters.

**Mitigation:** The applicant has proposed to create wildlife habitat on the project site. The mitigation would consist of creating new stream channels with stream-associated pools and riparian areas to replace the riparian habitat that will be impacted. The new stream channels will have wide, braided channels with side pools that vary from a depth of one foot at the edge to three feet in the middle, similar to habitat for the rough-skinned newt present in the project area. Riparian areas on each side of the constructed waterway will be up to 50 feet wide and planted with Oregon ash, big leaf maple, and black cottonwood.

New swale and wet prairie/vernal pool wetlands will be created to compensate for impacts to wetlands. The created swales in the forested areas will be shallow depressions and planted with lemon balm, buttercups, miner's lettuce, sedges, rushes, and wetland grasses. Created wet prairie in open areas will be shallow depressions or very flat areas with micro topography and hummocks. Wet prairie species such as tufted hair grass and common camas will be planted.

**Purpose:** To provide water for existing domestic and irrigation uses and facilitate expansion of the Tribes and the local economic base.

**Drawings:** Eight (8) are attached.

**Additional Information:** Additional information may be obtained from Ms. Merina Christoffersen, Project Manager, U.S. Army Corps of Engineers by telephone (541) 465-6882 or email at [merina.e.christoffersen@nwp01.usace.army.mil](mailto:merina.e.christoffersen@nwp01.usace.army.mil).

**Authority:** This permit will be issued or denied under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

**Water Quality Certification:** A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

**Section 404(b)(1) Evaluation:** The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

**Public Hearing:** Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state with particularity the reasons for holding a public hearing.

**Endangered Species:** Preliminary determinations indicate that the described activity may affect endangered species or their critical habitat designated as designated under the Endangered Species Act of 1973 (87 Stat. 844). Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) will be initiated with National Marine Fisheries Service (NOAA). A permit for the proposed activity will not be issued until the consultation process is completed.

**Cultural Resources:** There are no known recorded historic properties within the permit area. The permit area has been previously disturbed, and there is little likelihood the proposed project will affect an undisturbed historic property or other type of cultural resource.

**Evaluation:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity, will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**Additional Requirements:** State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met where applicable and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority previously indicated may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

**PUBLIC NOTICE**  
**Oregon Department of Environmental Quality**  
**Water Quality 401 Certification**

**Corps of Engineers Action ID Number:** 200300398  
**Oregon Division of State Lands Number:** RF-30700

**Notice Issued:** August 7, 2003  
**Written Comments Due:** August 26, 2003

**WHO IS THE APPLICANT:** Cow Creek Band of Umpqua Tribe of Indians  
2371 NE Stephens Suite 100  
Roseburg, Oregon 97470

**LOCATION OF CERTIFICATION ACTIVITY:** See attached U.S. Army Corps of Engineers public notice.

**WHAT IS PROPOSED:** See attached U.S. Army Corps of Engineers public notice on the proposed project.

**NEED FOR CERTIFICATION:** Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

**DESCRIPTION OF DISCHARGES:** See attached U.S. Army Corps of Engineers public notice on the proposed project.

**WHERE TO FIND DOCUMENTS:** Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. Sixth Avenue, Portland, Oregon 97204-1390.

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Ms. Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator at (503) 229-5845, or toll free within Oregon at 1-800-452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

**PUBLIC PARTICIPATION:**

**Public Hearing:** Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

**Written comments:**

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on **August 26, 2003**. Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. Sixth Avenue, Portland, Oregon 97204-1390 or faxed to (503) 229-6124. ***People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.*** People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format at [deq.info@deq.state.or.us](mailto:deq.info@deq.state.or.us). Otherwise due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

**WHAT HAPPENS NEXT:** DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise if you wish to receive notification, please call or write DEQ at the above address.

**ACCESSIBILITY INFORMATION:** This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at (503) 229-5766 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.

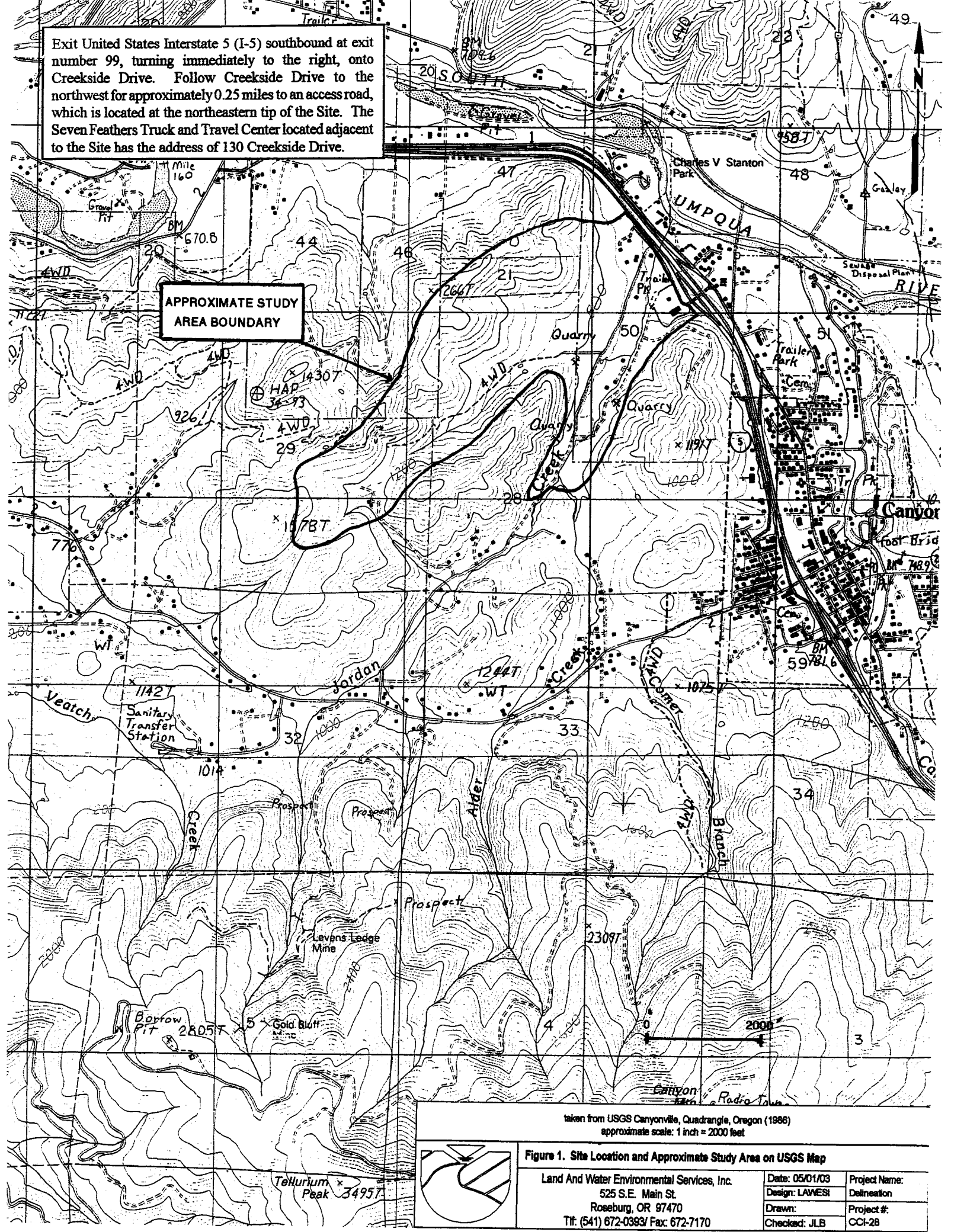
Project Site Component	Impacted Wetland	Impacted Waterways	Total Impact to Water Resources
Reservoir #3 (Irrigation Impoundments)	0.45 acres Peme	0.35 acres R4SBC (to W1)	0.8 acres
Reservoir #1 (Domestic Water Impoundment)	0.97 acres Peme	0.62 acres R4SBC (0.52 acres to W1, 0.10 to W2)	1.59 acres
RV Park	0.39 acres Peme	0 acres	0.39 acres
Total Acres	1.81 acres	0.97 acres	2.78 acres

Wetland G, 0.12 acres, is avoided.

Total wetlands on study area-	1.93 acres
Total waterways on study area-	4.64 acres
Total water resources-	6.57 acres

Exit United States Interstate 5 (I-5) southbound at exit number 99, turning immediately to the right, onto Creekside Drive. Follow Creekside Drive to the northwest for approximately 0.25 miles to an access road, which is located at the northeastern tip of the Site. The Seven Feathers Truck and Travel Center located adjacent to the Site has the address of 130 Creekside Drive.

APPROXIMATE STUDY AREA BOUNDARY



taken from USGS Canyonville, Quadrangle, Oregon (1986)  
 approximate scale: 1 inch = 2000 feet

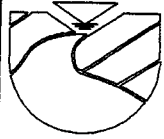


Figure 1. Site Location and Approximate Study Area on USGS Map

Land And Water Environmental Services, Inc. 525 S.E. Main St. Roseburg, OR 97470 Tlf: (541) 672-0393/ Fax: 672-7170	Date: 05/01/03	Project Name:
	Design: LAVESI	Delineation
	Drawn:	Project #:
	Checked: JLB	CCI-28



# GRAPHIC SCALE



( IN FEET )  
1 inch = 300 ft.

WETLAND AREA (acres)	
A	0.404
B	0.022
C	0.039
D	0.696
E	0.103
F	0.041
G	0.123
H	0.394

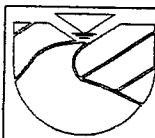
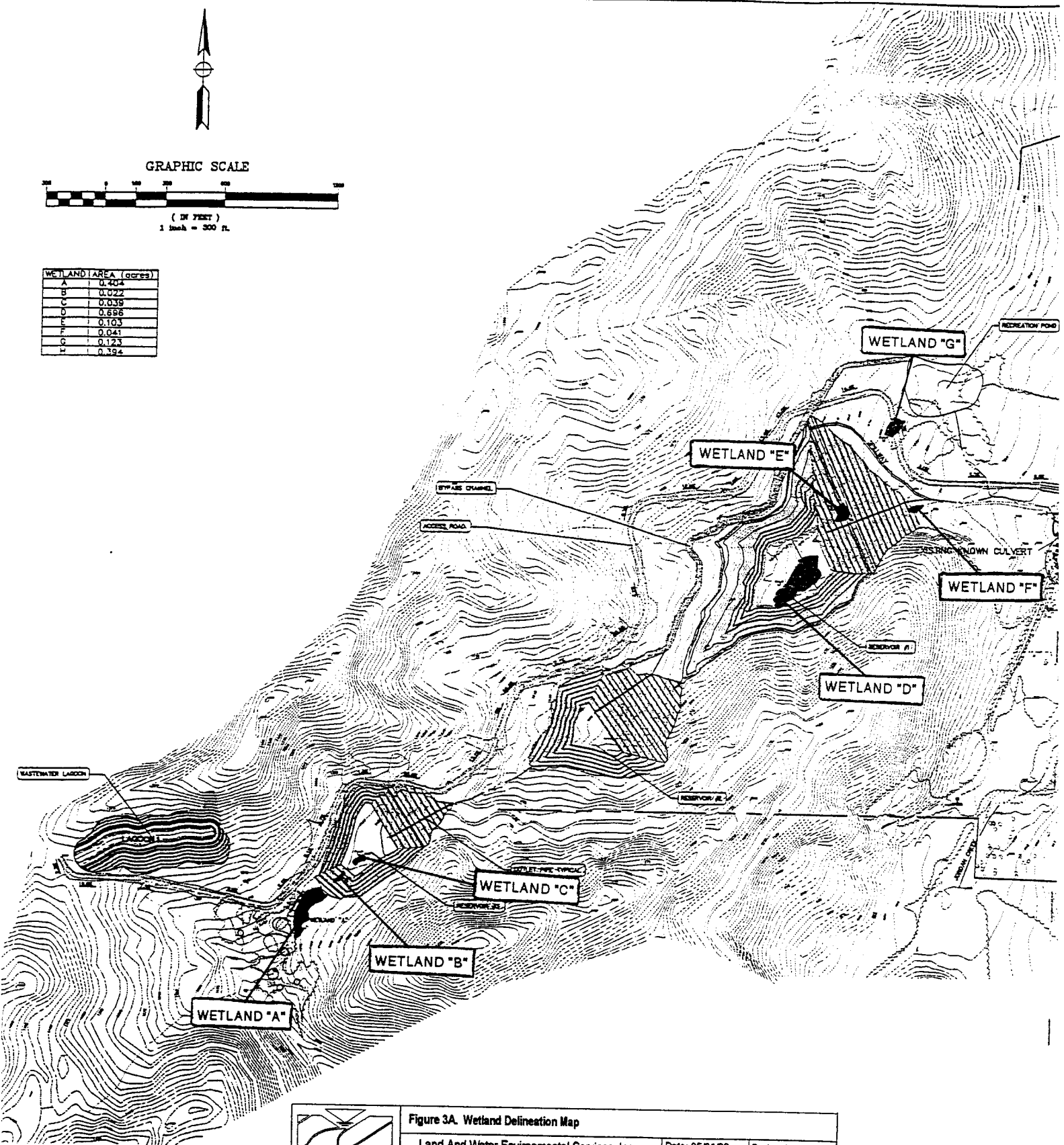


Figure 3A. Wetland Delineation Map

Land And Water Environmental Services, Inc.  
525 S.E. Main St.  
Roseburg, OR 97470  
Tel: (541) 672-0393 / Fax: 672-7170

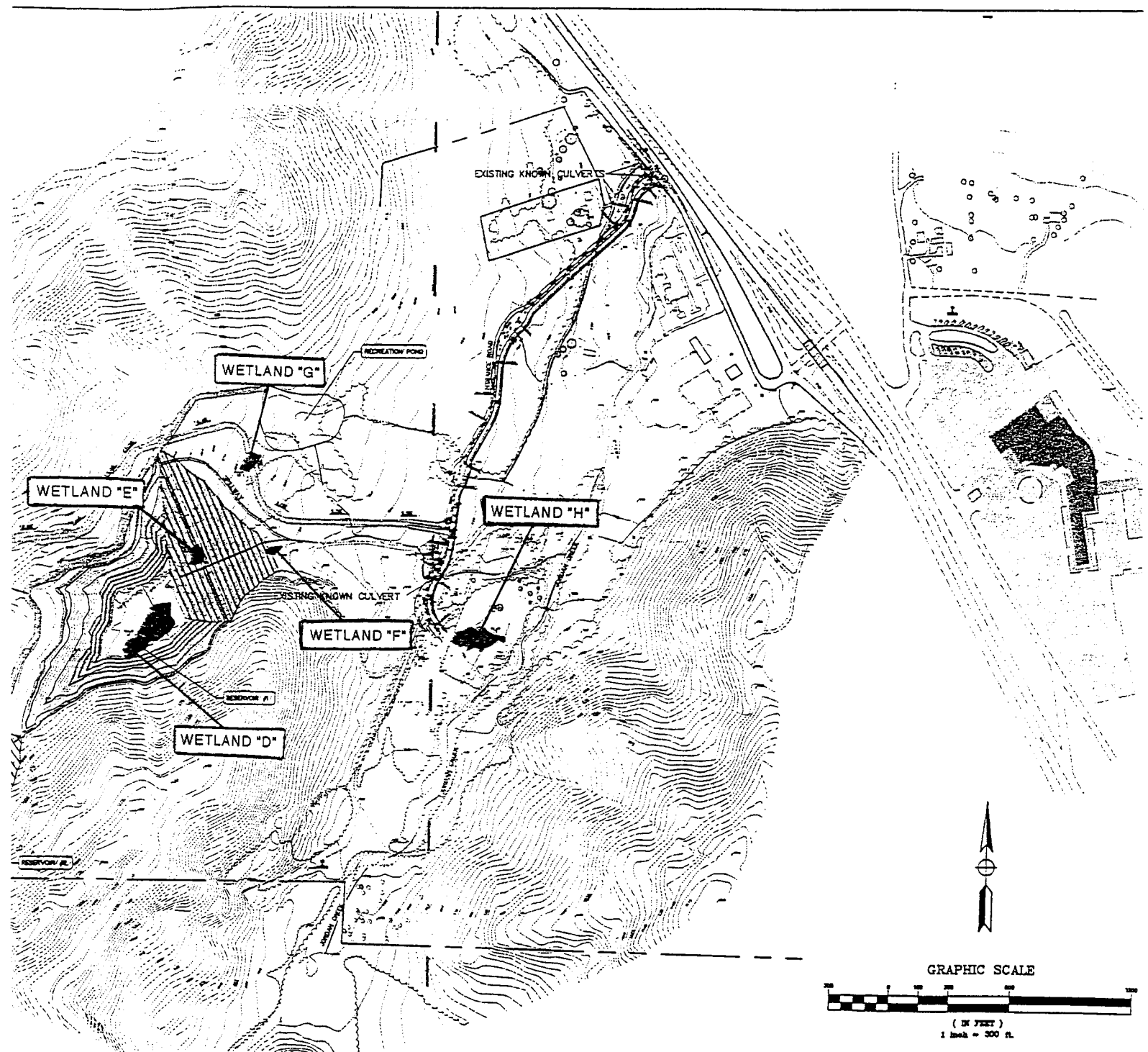
Date: 05/01/03	Project Name:
Design:	Delineation
Drawn:	Project #:
Checked: JLB	CCI-28

Designed:	Revision	Date	By
Drawn By:	WET LAND DELINEATION	4-2-03	
Approved:			
Date: NOVEMBER, 2002			

**NorthStar**  
Civil Engineers..Surveyors  
Chico, California

20 Declaration Drive  
Chico, California 95973  
Phone: (530) 893-1600 Fax: (530) 893-2113  
Web Site: [www.northstareng.com](http://www.northstareng.com)





WETLAND AREA (acres)	
A	0.204
B	0.022
C	0.039
D	0.696
E	0.103
F	0.041
G	0.123
H	0.384

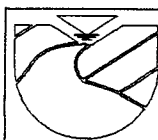


Figure 3B. Wetland Delineation Map

Land And Water Environmental Services, Inc.  
525 S.E. Main St.  
Roseburg, OR 97470  
Tel: (541) 672-0393/ Fax: 672-7170

Date: 05/01/03  
Design:  
Drawn:  
Checked: JLB

Project Name:  
Delineation  
Project #:  
OCI-28

WERT & ASSOCIATES

20 Declaration Drive  
Chico, California 95973  
Phone: (530) 893-1600 Fax: (530) 893-2113  
Web Site: www.northstareng.com

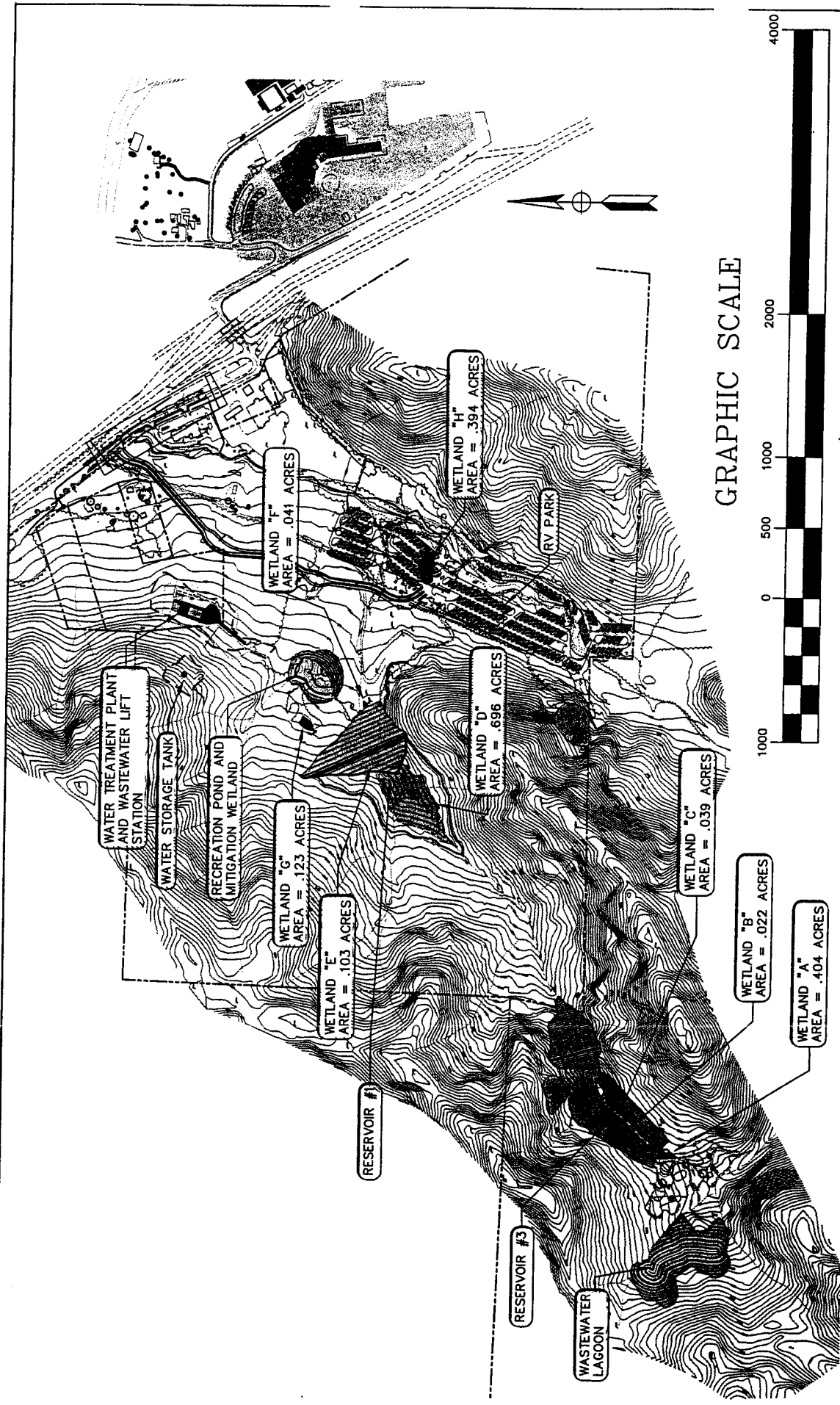
Wert & associates consulting soil scientist  
2590 NE Courtney Dr, Suite #1 Bend Oregon 97701  
tel:541.617.9100 fax:541.617.9395

BASE MAP

7 FEATHER

Job Number  
7635

Scale  
1" = 300' Horiz  
1" = 4' Vert

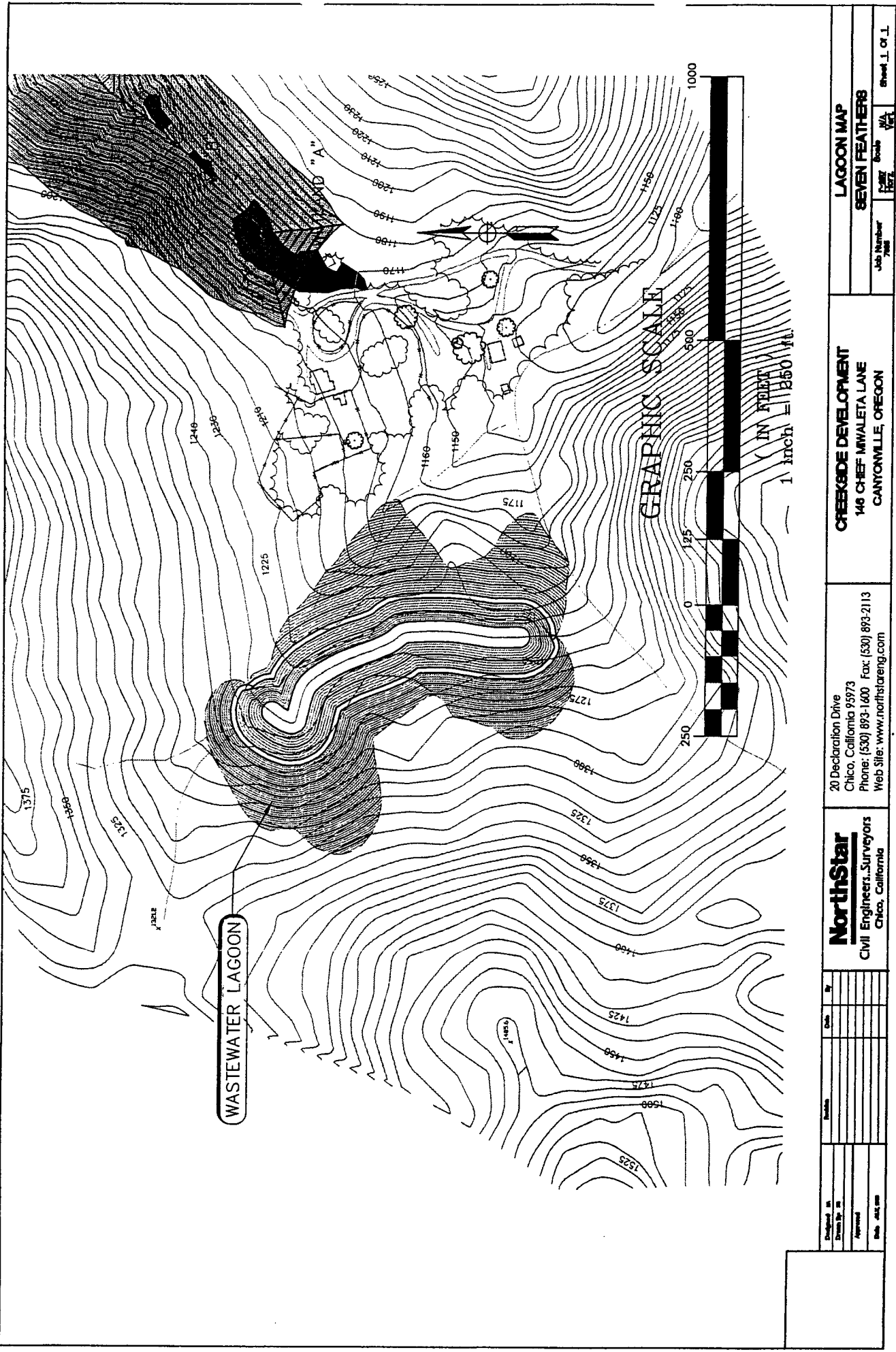


GRAPHIC SCALE

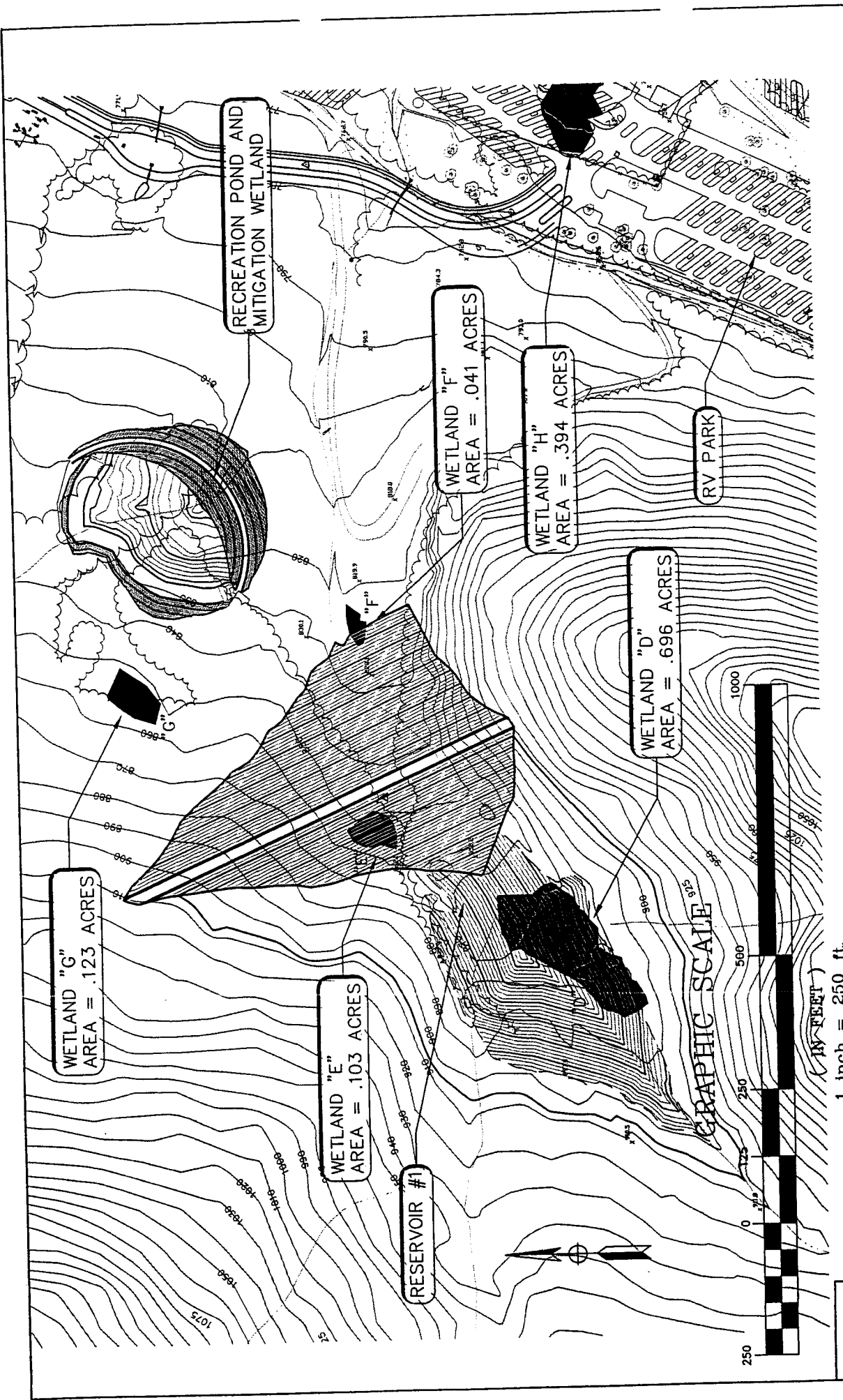


( IN FEET )  
1 inch = 1000 ft.

Designed by Drawn by Approved Date	Permits Date By	<b>NorthStar</b> Civil Engineers, Surveyors Chico, California	20 Declaration Drive Chico, California 95973 Phone: (530) 893-1600 Fax: (530) 893-2113 Web Site: www.northstareng.com	<b>CREEKSIDE DEVELOPMENT</b> 146 CHEF MWALETA LANE CANYONVILLE, OREGON	<b>FACILITY MAP</b> <b>SEVEN FEATHERS</b> Job Number Year Date Sheet 1 of 1
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<b>NorthStar</b> Civil Engineers, Surveyors Chico, California		20 Declaration Drive Chico, California 95973 Phone: (530) 893-1600 Fax: (530) 893-2113 Web Site: www.northstareng.com		<b>CREEKSIDE DEVELOPMENT</b> 146 CHIEF MVALETA LANE CANYONVILLE, OREGON		<b>DAM #1 MAP</b> <b>SEVEN FEATHERS</b>	
Drawn by Checked by Entered by Approved Date	Date Date Date Date Date	Scale 1" = 250'	Job Number 7000	Sheet 1 of 1	Date 1/1/01	Drawn by Checked by Entered by Approved Date	Date 1/1/01

